

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

---

WILBUR EASH,

Plaintiff,

Case No. 1:07-CV-167

v.

Hon. Gordon J. Quist

JOHN S. RUBITSCHUN, et al.,

Defendants.

**ORDER AND JUDGMENT**

**APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on May 2, 2007. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed May 2, 2007, is approved and adopted as the opinion of the court. Plaintiff's claim under 42 U.S.C. § 1983 is dismissed with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(b), and 42 U.S.C. § 1997e(c). This dismissal counts as a strike for purposes of 28 U.S.C. § 1915(g).

**IT IS FURTHER ORDERED** that there is no good-faith basis for appeal within the meaning of 28 U.S.C. § 1915(a)(3). *See McGore v. Wrigglesworth*, 144 F.3d 601, 611 (6th Cir. 1997).

Dated: May 24, 2007

/s/ Gordon J. Quist

GORDON J. QUIST

UNITED STATES DISTRICT JUDGE